

REMARKS

Upon approval of the undersigned's request for entry of the present amendment canceling claim 48 and adding new claim 50, claims 1–47 and 49–50 will be pending. Previously examined claims 1–49 were examined and claims 47–48 were rejected under 35 USC Section 101, and all pending claims were additionally rejected under 35 USC Section 103 as being unpatentable over Cromer et al. (CROMER) in view of Teitelbaum et al. (TEITELBAUM). In light of the amendments and following comments, the rejections are respectfully requested to be withdrawn.

35 USC Section 101

Canceling claim 48 moots that rejection.

Reconsideration of the rejection of claim 47 is respectfully requested. Claim 47 recites a computer program product that includes instructions for assertion of a biometricgating signal and use of that signal to control power flow from a power source to an electronic device.

35 USC Section 103: CROMER & TEITELBAUM

The rejection of claims 1–47 and 49 based upon the cited references is respectfully requested to be reconsidered for at least two reasons:

- a) the asserted combination fails to meet the express limitations and thus the rejection fails to present a *prima facie* case of obviousness; and
- b) the TEITELBAUM reference is non-analogous art and thus inappropriate to combine with CROMER.

Prima Facie Case

The independent claims all recite that a power gate is provided BETWEEN a power source and the electronic device/processor/circuit/system: Claim 1: "...a biometric-controlled switch, coupled to said circuit between the power source and said processor..."

Claim 2: "...said biometric-controlled switch interposed between the power source and a circuit of the electronic device for enabling a startup procedure of said electronic device..."

Claim 3: "...a biometric-controlled switch, coupled to said electronic device between the power source and the circuit..."

Claim 24 "...wherein said biometric access control is disposed between said power source and said electronic device to control said power therethrough"

Claim 47: "...using a biometric-controlled switch operably disposed between said power source and the electronic device..."

Claim 49: "...using a biometric-controlled switch operably disposed between said power source and said electronic device..."

Claim 50: "...a biometric-controlled switch, coupled to said electronic device between the power source and the circuit..."

CROMER fails to show any device between the power supply (main supply power 240 is clearly directly connected to the system components) and the "rest" of the system. The rejection fails to explain or account for this difference and thus the rejection fails to present the requisite *prima facie* case.

For this reason alone, all claims are respectfully asserted to be distinguished from the cited references and combination as identified in the rejection. An indication of allowability is respectfully requested.

Others of the dependent claims are independently patentable in their own right.

Specific discussion is deferred pending further examination and action on the independent claims.

NON-ANALOGOUS ART

The undersigned respectfully asserts that TEITELBAUM is non-analogous for at least two reasons: a) TEITELBAUM is NOT from the same field of endeavor and b) TEITELBAUM is not reasonably pertinent to the same problem solved by the present invention.

CROMER is classified in Class 713 ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: SUPPORT while TEITELBAUM is classified in Class 379 TELEPHONIC COMMUNICATIONS, two different classifications. While not dispositive, this is strong evidence that the two references are in different areas, with TEITELBAUM being non-analogous to the present invention as it relates to telephonic systems.

Further, TEITELBAUM deals with access restriction/permissions of a user to a telephone switch/telephonic services. There is no discussion of power supplies, gating, or the like addressed by the present invention.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 13, 2007

Respectfully submitted,

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